

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	CASE NO 4:06CV3097
	)	
Plaintiff,	)	
	)	
v.	)	CONSENT JUDGMENT
	)	AND DECREE
DAWN R. SMITH; UNIVERSAL	)	OF FORECLOSURE
ACCEPTANCE CORP.; and JOHN H.	)	AND ORDER OF SALE
HAFERMANN,	)	
	)	
Defendant(s).	)	

This cause is before the Court for determination upon the Complaint filed herein by the Plaintiff, United States of America. The Plaintiff appears by and through its attorneys, Michael G. Heavican, United States Attorney for the District of Nebraska, and Paul D. Boeshart, Assistant United States Attorney for the District. The Defendants Dawn R. Smith and John H. Hafermann failed to answer or otherwise appear or plead to the allegations contained in the Complaint and the Defendants are in default in this action. The Defendant Universal Acceptance Corp. appears by and through attorney Joel G. Lonowski, and Universal Acceptance Corp. has consented to the entry of this judgment. The Defendant State of Nebraska Department of Health and Human Services, Child Support Enforcement has no further interest in the property which is the subject of this action, and has been dismissed.

THEREFORE, the Court, having examined the record of these proceedings, and having been fully advised in the premises, makes the following findings of fact:

That the Court has jurisdiction of these proceedings pursuant to Title 28, United States Code, § 1345;

That due and legal notice of the pendency of this action has been given;

And that the Court has acquired jurisdiction of all the parties.

AND this cause coming on further to be heard on the pleadings and the evidence and being submitted to the Court, on due consideration, the Court finds:

That each and all of the allegations of Plaintiff's Complaint are true;

That Plaintiff is entitled to a Decree of Foreclosure in rem and Order of Sale as prayed;

That the premises herein described will sell to the best advantage in one entire tract.

That there is due and owing to the Plaintiff as of August 18, 2006, the principal sum of \$76,596.91, plus \$21,412.10 interest credit or subsidy subject to recapture, plus accrued interest in the amount of \$9,971.06, together with interest accruing at the rate of \$15.7320 per day from August 18, 2006, until the date of entry of this decree. Interest will accrue on the sums from and after the date of entry of this decree at the legal rate of 5.10 % computed daily and compounded annually until paid in full. The amount due Plaintiff as stated herein is the first lien on the following described real estate in Lancaster County, Nebraska, to-wit:

Lot 34, Wagon Train Heights 2nd Addition, Hickman, Lancaster  
County, Nebraska

That there is due and owing to the Defendant Universal Acceptance Corp. as of August 18, 2006, the principal sum of \$4,127.07, plus accrued interest in the amount of

\$5,290.27, together with interest accruing at the rate of \$2.41 per day from August 18, 2006, until the date of entry of this decree. Interest will accrue on the sums from and after the date of entry of this decree at the legal rate of 5.02 % computed daily and compounded annually until paid in full. The amount due the Defendant Universal Acceptance Corp. as stated herein is the second lien on the above-described real estate.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. The Plaintiff's Motion for Judgment (Filing No. 21) is granted;
2. Judgment in rem should be and hereby is entered against the defendants and the real estate that is the subject of this action;
3. The above and foregoing findings are hereby made a part of this decree and order and by this reference incorporated herein;
4. If the costs as indicated below and the several amounts above found due and interest thereon are not paid within twenty (20) days from the date of this decree, then all equity of redemption in the premises shall be foreclosed and the premises sold as upon execution in one entire tract;
5. The Plaintiff shall apply for and the Clerk of the United States District Court shall issue an Order of Sale;
6. The United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property;

7. As upon execution, the United States Marshal shall report his proceedings under this Decree and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;
8. Upon confirmation of the sale, the Clerk shall apply the proceeds as follows:
  - a. First, to the payment of the costs of the Plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;
  - b. Second, to the payment of the amount found due the Plaintiff with interest thereupon according to law;
  - c. Third, to the payment of the amount due the Defendant Universal Acceptance Corp. with interest thereupon according to law;
  - d. Fourth, to the payment of the costs of the United States Marshal for per diem and special requirements;

That the Clerk shall retain in the Registry of the Court any surplus from the sale until further order of the Court;

9. The aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska; and
10. Upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Decree and Order and all persons claiming under them are ordered to deliver possession of the real estate to such purchaser(s).

Dated this 19<sup>th</sup> day of September, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

Prepared and submitted by:

UNITED STATES OF AMERICA, Plaintiff

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District of Nebraska

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Approved as to form and content:

UNIVERSAL ACCEPTANCE CORP., Defendant

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